


de maximis, inc.

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October 15, 2010

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 41 – September 2010
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On September 1, CPG, EPA, and EPA and CPG contractors held a conference call to discuss the 2009 Benthic Community Survey and 2009 Tissue Collection Survey sample status and the EPA comments on the draft Habitat Survey QAPP. This call included discussions regarding submerged aquatic vegetation and plankton survey needs, wetland delineation needs, and a tributary habitat survey.
- On September 7, CPG, EPA, and EPA and CPG contractors held a conference call to discuss the schedule for the fall 2010 Avian Survey.

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- On September 13, EPA and CPG held a phone call to discuss the EPA Risk Assessment Plan Comments, the schedule for detailed Low Resolution Core (LRC) Characterization Report comments from the EPA, and the Benthic QAPP Addendum #3 (Habitat Survey).
- On September 16, EPA, CPG and EPA and CPG contractors held a conference call to discuss EPA's comments on Field Sampling Plan Volume 2 (FSP2) data validation and reporting issues with Region 2 MEDD formatting requirements.

Correspondence

- On September 2, CPG provided tables summarizing the status of FSP2 sediment, tissue, egg and benthic invertebrate samples and informed EPA that a second firm, Laboratory Data Consultants (LDC) has been retained to provide data validation services on the 2009 Tissue Collection Survey sample data to expedite submission of the validated data.
- On September 3, CPG submitted a draft Small Foraging Fish Tissue Analysis Plan to the EPA.
- On September 3, CPG submitted a draft QAPP for Small Volume Chemical Water Column Monitoring (CWCM) to EPA.
- On September 7, CPG submitted the revised draft Caged Bivalve Pilot Study (CBS) memo to EPA.
- On September 9, CPG submitted the revised Benthic QAPP Addendum #3 (Habitat Survey) to EPA.
- On September 10, EPA provided comments on the draft Risk Assessment and Risk Characterization Plan, the draft Data Usability and Data Evaluation Plan, and the draft Approach for Developing Ecological Effect Thresholds Technical Memorandum to the CPG.
- On September 10, CPG submitted the draft Small Volume CWCM QAPP Worksheets 12, 15 and 28 to EPA.
- On September 13, EPA approved the revised Benthic QAPP Addendum #3 (Habitat Survey).
- On September 15, CPG submitted Response to EPA Comments on the draft 2009 Fish Data Report to EPA.
- On September 15, EPA provided comments from EPA and Partner Agencies on the draft CBS memo.
- On September 15, CPG submitted a data request regarding the Axys LRC PCDDF Split Sample Data Package to EPA.
- On September 15, CPG submitted the Monthly Progress Report to EPA.

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- On September 17, CPG submitted protocol modification forms for the Fish and Benthic QAPPs to EPA.
- On September 20, CPG submitted a response letter to EPA's letter of August 10, 2010 to K&L Gates.
- On September 23, EPA approved the protocol modifications for the Fish and Benthic QAPPs.
- On September 23, EPA notified the CPG that updated Sediment Transport Model (STM) inputs for the HQI ECOM-SEDZLJS model would be sent to the CPG by October 1.
- On September 29, EPA's contractor provided STM code and the inputs to the CPG for the HQI ECOM-SEDZLJS model.

Work

- CPG conducted the Habitat Survey September 20 through 23.
- CPG Modeling Team continued work on the HQI SEDZLJS Sediment Transport Model code.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PCWM) surveys data.
- CPG continued planning activities for the CWCM QAPP field program.
- CPG continued processing of fish tissue samples for chemical analyses.
- CPG continued validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey sample data.

(b) Results of Sampling and Tests

- On September 16, CPG provided the validated sediment data collected pursuant to the 2009 Benthic Survey QAPP to EPA.
- On September 16, CPG uploaded unvalidated fish and crab tissue data collected pursuant to the Fish/Decapod Tissue QAPP to the PREMIS Digital Library.
- On September 17, copies of lab EDD files and Excel data tables for data validated in July 2010 representing in part the LPR and Newark Bay (NB) PWCM samples for the April, May, and June surveys were posted to the PREMIS Digital Library. The PWCM May 12 wet weather tributary sampling, and the associated field measurements taken at the time of sampling for the June and May 12 wet weather surveys were also posted to the PREMIS Digital Library.

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(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue processing the 2010 Bathymetry Survey data; these data are due to EPA by October 31.
- CPG will continue processing small foraging fish tissue samples (summer 2010 Tissue Collection Survey) for chemical analyses.
- CPG will continue chemical analysis of summer 2010 Benthic Community Survey sediment samples co-located with collection of small foraging fish samples (summer 2010 Tissue Collection Survey).
- CPG will continue validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey sample data.
- CPG will conduct the fall 2010 Avian Survey.
- CPG will continue reviewing the fall 2009 and spring 2010 PWCM data.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code and inputs.
- CPG will participate in monthly LPR/NB Modeling Program progress calls with EPA and EPA contractors.
- CPG will participate in the New York Academy of Science Consortium Meeting on October 5.
- CPG will continue reviewing and responding to EPA's comments on the risk assessment planning documents.
- CPG will participate in monthly LPR/NB Modeling Program progress calls with EPA and its modeling contractors.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Calibration of the HQI ECOM-SEDZLJS should be completed by the EPA Modeling Team during the fourth quarter of CY 2010 or the CPG anticipates that further delay may impact the completion of the LPRSA RI/FS. The CPG Modeling Team will work collaboratively with the EPA Modeling team to support this goal.

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- EPA's approval of the CPG's Small Volume CWCM QAPP is required by November 15, 2010 or a delay in implementing the field work may impact the completion of the LPRSA RI/FS.
- EPA's approval of Tierra's CSO/SWO Workplan is required by October 29, 2010 or a delay in implementing the field work may impact the completion of the LPRSA RI/FS.
- CPG's response to EPA's risk assessment planning documents comments provided on September 10, 2010 and resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. CPG will provide responses on October 12 and provide a proposed approach and schedule for those EPA comments not fully addressed on October 12.
- Analysis and validation of biological samples collected in 2009 and 2010 field seasons should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the HHRA and ERA in CY 2011. CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel
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